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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,201	04/19/2004	Nathan Bowman Littrell	145512	2320
7590	12/01/2006			EXAMINER DUNCAN, MARC M
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			ART UNIT 2113	PAPER NUMBER
DATE MAILED: 12/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/827,201	LITTRELL, NATHAN BOWMAN
	Examiner	Art Unit
	Marc Duncan	2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 28-45 is/are allowed.
- 6) Claim(s) 1,2,10,11,19 and 20 is/are rejected.
- 7) Claim(s) 3-9,12-18 and 21-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 April 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Status of the Claims

Claims 1, 2, 10, 11 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Belser et al. (5,666,325).

Claims 3-9, 13-18 and 21-27 are objected to.

Claims 28-45 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10, 11 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Belser et al. (5,666,325).

Regarding claim 1:

Belser teaches:

measuring a parameter of the industrial process, said parameter varying over time (col. 4 lines 59-65);

determining at least one parameter limit, said at least one parameter limit being a function of said parameter and varying over time (col. 5 lines 38-45);

comparing said parameter to said at least one parameter limit (col. 5 lines 43-45);

and

indicating an alarm condition when said parameter is outside of a bound set by said at least one parameter limit at a time when said parameter is compared to said at least one parameter limit (col. 5 lines 53-56).

Regarding claim 2:

Belser teaches:

wherein said at least one parameter limit comprises an upper limit and a lower limit (col. 5 lines 38-67).

Regarding claims 10 and 11:

The claims are rejected as the apparatus for performing the method of claims 1 and 2, respectively.

Regarding claims 19 and 20:

The claims are rejected as the computer readable medium containing computer-readable instructions that cause the methods of claims 1 and 2, respectively, to be performed.

Allowable Subject Matter

Claims 3-9, 13-18 and 21-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art was not found explicitly teaches or fairly suggests buffering said parameter and using a time-delayed value of said parameter in said comparing said parameter to said at least one parameter limit as outlined in claims 3, 13 and 21. Prior art was not found explicitly teaches or fairly suggests the specific groups outlined in claims 9, 18 and 27. Prior art was not found explicitly teaches or fairly suggests latching said parameter and buffering said latched parameter in a FIFO (first-in, first-out) buffer, determining statistical functions of values of said buffered parameter stored in said FIFO buffer and utilizing said determined statistical functions to determine one or more alert limits as outlined in claims 28, 34 and 40. These limitations are considered allowable only when taken in combination with all limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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